

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

In the Matter of )

Advanced Television Systems )  
and Their Impact upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

To: The Commission

**COMMENTS OF THE NATIONAL CAPTIONING INSTITUTE, INC.**

1. The National Captioning Institute, Inc. ("NCI") hereby submits its comments in response to proposed policies and rules governing Advanced Television service ("ATV"), as set forth in the Commission's Notice of Proposed Rule Making ("Notice") in the above-captioned proceeding, FCC 91-337, released November 8, 1991, published at 56 FR 58207 (November 18, 1991).

2. NCI is a nonprofit corporation created by Congress in 1979 and is the leading organization providing captioning services to the television industry. It has also spearheaded the development of captioning equipment and is the only firm until this year to bring closed captioning decoders to the consumer market. NCI has also developed an integrated circuit for use inside television receivers that will facilitate compliance with the Television Decoder Circuitry Act of 1990 (the "Act").

3. NCI believes that both the Act and the public interest require the Commission to preserve closed captioning services during the transition from NTSC to ATV in addition to preserving traditional video/audio service to the public.<sup>1</sup> During the

1. The Act requires provision for closed captioning in the new ATV system, and there is no reason to believe that closed captioning will not be included in the ATV system ultimately adopted by the Commission. See paragraph 7, *infra*.

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transition from NTSC to ATV, when a station is simulcasting a program, closed captions provided with one technology should be provided with the other as well. In addition, the Commission should ensure that the ATV standard that is ultimately adopted provides for improvements in the features and qualities of closed captions just as it does for the video and audio portions of television transmissions.

**The Commission's ATV Policies and Rules  
Should Address Closed Captioning**

4. One of the issues addressed by the Notice is the extent to which simulcasting of programming should be required on both the NTSC and the ATV channel during the transitional period when a broadcaster is permitted to operate using both technologies. NCI believes that simulcasting must not be allowed to cause a degradation in closed captioning<sup>2</sup> services provided to the deaf and hard-of-hearing community. Indeed, the Commission should require an improvement in the quality of closed captioning services commensurate with the improvement of video and audio characteristics in the new ATV system.

5. To achieve those objectives, the Commission should require that when a program produced or acquired by a station includes closed captions and that program is simulcast on NTSC and ATV channels,<sup>3</sup> the closed captions must be transmitted on both channels. The requirement should apply to all simulcast programs that include closed captions, regardless of whether the Commission requires simulcasting or simply allows simulcasting on

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2. Closed captions are textual representations of a television program's sound track that are encoded into the television signal and are displayed only on a specially equipped receiver or through an outboard decoder used in conjunction with a conventional television receiver. Rules governing the transmission of closed captions are contained in 47 CFR Sec. 73.682(a) (22) (i). "Closed captioning" is the process of creating and encoding closed captions.

3. For purposes of captioning requirements, "simulcast" should mean that the same program is broadcast on both channels, regardless of whether or not the two broadcasts occur at the same hour or on the same day.

a permissive basis. This treatment of closed captions will give deaf and hard-of-hearing persons the same degree of access to both television technologies during the transitional period as their peers who do not have impaired hearing.

6. The Commission should also actively pursue improvements in the quality, versatility, and other characteristics of the closed captioning system when it selects an ATV standard, so that deaf and hard-of-hearing persons enjoy the benefits of the upgrading of television broadcasting to the new ATV system. It is almost certain that the ATV system ultimately selected will have a significant number of digital components, so the transmission of closed captions of high quality via ATV should be easier than it is with NTSC technology. If the public at large is to enjoy picture quality comparable to 35mm film and audio quality comparable to compact disks, the deaf and hard-of-hearing community should also enjoy "high fidelity" captions with flexible screen placement, multiple fonts, varied colors, and other characteristics that enhance the value and enjoyment of the captions.

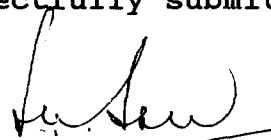
### **Conclusion**

7. In conclusion, NCI believes that the treatment of closed captions, both during the transition period and when the transition to ATV has been completed, must be consistent with national policy as expressed in the Act, which requires not only that all television receivers shipped, manufactured, assembled, or imported in this country after July 1, 1993, contain specified closed caption decoding circuitry, but also that as "new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that closed captioning service continues to be available to consumer." See P.L. 101-431 at Section 4(b). Commission intervention is especially necessary during the transitional period, to make sure that any regulations that are adopted to ensure the availability

to service to the public, regardless of which kind of receiver they have, provide the same protection to the deaf and hard-of-hearing community.

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Respectfully submitted,

  
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